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**OFFICE OF PETITIONS  
ON PETITION**

In re Application of  
Gehrke, Gary Curtis  
Application No. 09/916,364  
Filed: July 27, 2001  
Attorney Docket No. 403

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 10, 2004, to revive the above-identified application:

The petition is **granted**.

This application became abandoned for failure to timely reply within three months to the non-final Office action mailed November 20, 2002. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on February 21, 2003. A Notice of Abandonment was mailed on October 22, 2003.

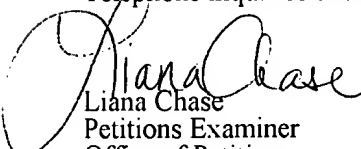
Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$950.00 extension of time fee submitted with the petition on February 10, 2004 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

The change of correspondence address file February 10, 2004, cannot be accepted because it was not signed by an attorney of record. See MPEP §§ 601.03 and 405. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

The file is now being forwarded to Technology Center 2800 for further examination on the merits.

Telephone inquiries should be directed to the undersigned at (703) 306-0482.

  
Liana Chase  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc: Michael R. Cammarata  
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